

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY CRIVELLO RUSSO,

Plaintiff,

DECLARATION

-against-

JAN B. GOLDING, POLICE OFFICER, JOHN DIMILIA,
SEARGEANT, DARREL ALGAREN, POLICE OFFICER,
MICHAEL GUEDES, POLICE OFFICER, JOSEPH
VOUSDEN, TROOPER, and KEVEN M. CHORZEMPA,
POLICE OFFICER,

Docket No.
07 Civ. 5795
(WP-4) (MDF)

Defendants.
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JENNIFER E. SHERVEN, an attorney duly admitted to practice law in the State of New York, declares the following to be true, under penalty of perjury:

1. I am associated with the law firm of MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP, attorneys for defendants JOHN DIMILIA, DARREL, ALGAREN and MICHAEL GUEDES¹ in the above-captioned action. As such, I am fully familiar with the facts and circumstances set forth herein. I submit this declaration in support of defendants' motion to dismiss, pursuant to Fed. R. Civ. P. 8.

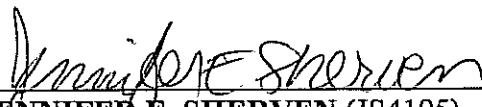
2. As set forth in the accompanying Memorandum of Law, Fed. R. Civ. P. 8 requires that a complaint be a short, plain statement of sufficient clarity so that it fairly apprises defendants of the claims against them. The complaint in this matter is neither short nor plain, nor does it even

¹ Upon information and belief, defendant MICHAEL GUEDES has not been served in this action.

specify the date of the alleged wrongs. The complaint does not apprise defendants of the nature of the allegations against them. Accordingly, the complaint should be dismissed.

WHEREFORE, the Court should grant this motion and dismiss this action against defendants, with prejudice, and with costs, disbursements, and such other and further relief as to this Court is just, proper, and equitable.

Dated: Mineola, New York
July 17, 2007



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Our File No.: 05-233